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10
11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 Rosa Castro,

14 Plaintiff,

15 v.

16 AmSher Collection Services, Inc.,

17 Defendant.

Case No.:

Complaint for damages

Jury trial demanded

18
19
20 **Introduction**

21 1. In enacting the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (the
22 “FDCPA”), Congress found abundant evidence of the use of abusive, deceptive,
23 and unfair debt collection practices by many debt collectors, and determined
24 that abusive debt collection practices contribute to bankruptcies, marital
25 instability, the loss of jobs, and invasions of individual privacy. The FDCPA
26 is intended to eliminate abusive debt collection practices by debt collectors. The
27 Act ensures that law-abiding debt collectors are not competitively

1 12.Plaintiff is alleged to owe a debt, and is a consumer as that term is defined by
2 15 U.S.C. § 1692a(3).

3 13.Defendant is a debt collection company.

4 14.Defendant uses an instrumentality of interstate commerce or the mails in a
5 business the principal purpose of which is the collection of debts, or who
6 regularly collects or attempts to collect, directly or indirectly, debts owed or
7 due or asserted to be owed or due another and is a debt collector as defined by
8 15 U.S.C. § 1692a(6).

9 **Factual Allegations**

10 15.Plaintiff is alleged to have owed about \$849.76 to AT&T for cable television
11 (the “debt”).

12 16.The debt was allegedly incurred primarily for personal, family or household
13 purposes and the debt is therefore a debt as that term is defined by 15 U.S.C.
14 §1692a(5).

15 17.On or around October 8, 2019, Defendant began to attempt to collect the debt
16 from Plaintiff.

17 18.Defendant was unlawfully collecting an amount that was neither expressly
18 authorized by any agreement nor permitted by law.

19 19.On or about October 8, 2019, Defendant sent Plaintiff a letter for the purposes
20 of collecting on the debt.

21 20.In the letter, Defendant inaccurately claimed that Plaintiff owed \$849.76.

22 21.Accordingly, Defendant’s letter contained information that was not true.

23 22.As such, Defendant was attempting to collect an amount that it was not entitled
24 to.

25 23.Under the FDCPA, a “debt collector may not use unfair or unconscionable
26 means to collect or attempt to collect any debt.” 15 U.S.C. § 1692f. The Act
27 prohibits “the collection of any amount (including any interest, fee, charge, or

1 expense incidental to the principal obligation) unless such amount is expressly
 2 authorized by the agreement creating the debt or permitted by law.” 15 U.S.C.
 3 § 1692f(1).

4 24. In addition, or in the alternative, Plaintiff seeks a declaratory judgment that she
 5 is not responsible to pay the debt.

6 **Count One**

7 **Fair Debt Collection Practices Act**

8 **15 U.S.C. §§ 1692 et seq.**

9 25. Plaintiff repeats, re-alleges, and incorporates by reference, all other paragraphs
 10 of the Complaint as though fully stated herein.

11 26. Defendants’ conduct violated § 1692e by using false, deceptive, and misleading
 12 representations and means in connection with the collection of any debt.

13 27. Defendant’s conduct violated 15 U.S.C. § 1692e(2) in that Defendant falsely
 14 represented the amount and the legal status of the debt in the collections letter.

15 28. Defendant’s conduct violated § 1692e(10) in that Defendant employed various
 16 false representations and deceptive means in an attempt to collect the debt from
 17 Plaintiff.

18 29. Defendant’s conduct violated 15 U.S.C. § 1692f in that Defendant used unfair
 19 and unconscionable means to collect a debt by filing the collections letter
 20 against Plaintiff.

21 30. Defendant’s conduct violated 15 U.S.C. § 1692f(1) in that Defendant attempted
 22 to collect an amount not expressly authorized by the agreement creating the
 23 debt or permitted by law.

24 31. The foregoing acts and omissions constitute numerous and multiple violations
 25 of the FDCPA, including but not limited to each and every one of the above-
 26 cited provisions of the FDCPA.
 27

32. As a result of each and every violation of the FDCPA, Plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1), statutory damages up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A) and reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3) from Defendant.

Prayer For Relief

33. WHEREFORE, Plaintiff prays that judgment be entered against Defendant, and Plaintiff be awarded damages from Defendant, as follows:

- An award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1);
- An award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- An award of costs of litigation and reasonable attorney's fees, pursuant to 15 U.S.C. § 1692k(a)(3); and
- Any other relief that this Court deems just and proper.

Jury Demand

34. Pursuant to the seventh amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Dated: December 16, 2019.

Respectfully submitted,

KIND LAW

/s/ Michael Kind

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